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Report of the Security Council mission to the Sudan and Chad, 4-10 June 2006

I. Introduction

1. In his letter dated 26 May 2006 (S/2006/341), the President of the Security Council informed the Secretary-General that a mission of the Council would visit the Sudan and Chad from 4 to 10 June 2006. Its terms of reference and composition are set out in the annex to the present report. The Mission was led by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, Sir Emyr Jones Parry.

2. The mission left New York on 4 June 2006. It visited Khartoum, Juba and El Fasher in the Sudan; the African Union (AU) headquarters in Addis Ababa; and N'djamena and Goz Beida in Chad.

3. In Khartoum, the mission met with President Omar Hassan al-Bashir, Minister for Foreign Affairs Lam Akol, Sudan Peoples' Liberation Movement (SPLM) Cabinet Affairs Minister Deng Alor, members of the National Assembly, representatives of the Sudanese opposition parties and non-governmental organizations (NGOs) and the leadership of the United Nations Mission in the Sudan (UNMIS).

4. In Juba, the mission met with First Vice-President Salva Kiir, senior officials of the Government of Southern Sudan, the Ceasefire Joint Military Committee, members of the Southern Sudan Legislative Assembly, members of the United Nations country team and NGOs.

5. In El Fasher (Darfur), the Mission met with Force Commander Major General Ihekire and the wider leadership of the African Union Mission in Sudan (AMIS), the Wali of Northern Darfur, internally displaced persons (IDPs), NGOs, representatives of civil society, tribal leaders, diplomatic representatives and members of the United Nations country team. Due to security concerns, the Council was advised not to visit an IDP camp.

6. The Council was accompanied in its meetings in the Sudan by the Special Representative of the Secretary-General, Jan Pronk.

7. During its visit to the AU headquarters in Addis Ababa, the mission met with Chairperson Alpha Oumar Konaré and other members of the AU Commission (including Commissioner for Peace and Security Said Djinnit), the Peace and

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Security Council and AMIS troop-contributing countries. The Council also briefly met with Under-Secretary Guéhenno, who was visiting with the technical assessment mission.

8. In Chad, the mission met with President Idriss Déby and his cabinet, diplomatic representatives and members of the United Nations country team, as well as Sudanese refugees and Chadian internally displaced persons in Goz Beida.

II. Overview

9. The Council had long planned a visit to the Sudan further to the Security Council meeting held in Nairobi in November 2004 and the signing of the Comprehensive Peace Agreement. The mission visit to the Sudan in June also followed the signing of the Darfur Peace Agreement in May 2006.

10. During its visit, the mission found the Darfur conflict to be complex and not easily understood by the international community.

Darfur

11. With interlocutors from the Government of the Sudan, the mission stressed the following points: its respect for the sovereignty and territorial integrity of the Sudan; its welcome of the decision of the Government of the Sudan to sign the Darfur Peace Agreement; the need to exert pressure on the Sudan Liberation Movement (SLM)/Abdul Wahid al-Nur and Justice and Equality Movement (JEM); the AU recommendation that AMIS be transferred to a United Nations mission in Darfur; that such a force would require a robust mandate in order to protect citizens and itself; the Council's desire to work in cooperation and partnership with the Government of the Sudan; and its hope to see the Government of the Sudan agree to the exact nature of a United Nations operation during the forthcoming visit of the joint technical assessment mission to the Sudan.

12. President Al-Bashir made clear to the mission that a United Nations force in Darfur with a mandate under Chapter VII of the Charter of the United Nations was unacceptable to the Government of the Sudan. He stressed that it was for the Government of the Sudan to disarm the various militias, including the Janjaweed, by itself. Tribal leaders in Darfur also spoke out strongly against such a United Nations force, claiming that the United Nations was a front for colonialism and/or United States interventionism. However, SPLM and AMIS contacts expressed their doubts that the Government of the Sudan was capable of carrying out disarmament of the militias by itself. The IDPs that the mission met in the Sudan and Chad all called for United Nations protection.

13. In its discussions in Addis Ababa, the mission agreed with the AU that AMIS should be urgently strengthened and a tougher mandate be adopted, including the protection of civilians, ahead of the deployment of a United Nations mission. AU Commission Chairperson Konaré underlined his support for United Nations transition. He also said that he had written to NATO to request further logistical support (but not troops). A revised concept of operations was being drawn up to enable AMIS to fulfil its tasks under the Darfur Peace Agreement, including an increase in troop numbers from 6,100 to 10,500. AMIS Force Commanders warned that, without such reinforcements, Darfur risked becoming another Rwanda.

14. The mission congratulated the Government of the Sudan on signing, and the AU on securing, the Darfur Peace Agreement. Special Representative Pronk stressed to the mission the importance of also getting the signature of Abdul Wahid given that he appeared to have the support of a majority of the IDPs of Darfur. AU Commissioner Djinnit informed the mission that some SLM and JEM commanders were now seeking to associate themselves with the Darfur Peace Agreement. President Déby stressed that he had supported the Darfur Peace Agreement and encouraged others to sign it.

15. The mission concluded that the humanitarian and security situation in Darfur remained dire and expressed concern at the deterioration of the humanitarian and security situation in camps in Chad. In particular, it urged greater action to stop the prevalence of gender-based violence. The mission stressed the importance of Security Council resolution 1325 (2000).

Southern Sudan

16. The mission was encouraged by the number of key steps that had been taken on implementation of the Comprehensive Peace Agreement. However, its interlocutors also voiced a number of challenges that were undermining implementation. These included the future status of the Abyei region, the slow speed in setting up Comprehensive Peace Agreement commissions and the lack of a peace dividend for the population owing to the failure of international donors to live up to their pledges. The mission was told that if southern Sudan were an independent state, it would rank as the poorest in the world. Given the continuing insecurity in the region, the humanitarian community urged the Council not to consider cannibalizing UNMIS for any future operation in Darfur.

17. Among the various challenges facing the new Government of Southern Sudan, the mission considered addressing the presence of Lord's Resistance Army (LRA) a priority. The group, responsible for the death, abduction and displacement of thousands of innocent civilians in Uganda, the Sudan and the Democratic Republic of the Congo, and whose leaders have been indicted by the International Criminal Court (ICC), has said that it wants to make peace with the Government of Uganda, with mediation assistance from the Government of Southern Sudan. While expressing determination to see the threat from LRA eliminated, the mission advised caution in dealing politically with LRA leaders wanted for trial in The Hague.

Regional dimension

18. Both President Al-Bashir and President Déby urged the Council to condemn the actions of the other. The AU said both were acting in an underhand manner. The mission urged dialogue between the two countries, as well as the implementation of the Tripoli Agreement.

III. Detail

A. Background and context

19. The mission visit to the Sudan in June followed from the signing of the Darfur Peace Agreement in Abuja, on 5 May 2006, between the Sudanese Government of

National Unity and the Minni Minawi faction of the Sudanese Liberation Movement/Army (SLM/A) after months of intensive mediation led by the African Union. The agreement has not been signed either by the Abdul Wahid al-Nur faction of SLM/A or Justice and Equality Movement.

20. The Council had long planned a visit to the Sudan further to the Security Council meeting held in Nairobi in November 2004 and the signing of the Comprehensive Peace Agreement two months later. The mission and officials of the Governments of National Unity and of Southern Sudan stressed the good cooperation that had developed since the signing of the Agreement.

21. Throughout its visit, the mission emphasized its unequivocal support — in the fiftieth year of independence — for the sovereignty and territorial integrity of the Sudan, which would be unaffected by a transfer to a United Nations operation in Darfur. The mission sought to reassure the Government that the Council wanted to cooperate with all parties working to implement peace in the Sudan, and was seeking, through consultation and dialogue, to enter a new phase in its relations with Khartoum, characterized by a strong and constructive partnership. In their responses, Government interlocutors expressed gratitude for the initiative to visit the Sudan and appreciated the role the United Nations and partners had played during the Abuja negotiations. They viewed the visit as a good opportunity to overcome suspicion that had clouded relations between the Government and the Security Council in recent months.

22. During its visit, the mission found the Darfur conflict to be complex and not easily understood by the international community. It found, for example, that the terms "government", "rebel", "Arab" and "African" were often over-simplifications of a more complex situation on the ground, where alliances between tribes and groups often shift. A number of the Council's interlocutors detailed the background of the current situation in Darfur, which they described as a traditional conflict between herdsmen and farmers over limited national resources. They outlined the challenging nature of governing a region with its peculiar tribal complexities and lack of public services. President Al-Bashir made clear his view that a lasting solution to the problem in Darfur could only be found through the traditions and customs of the peoples of the region. In this regard, he stressed that his Government had originally accepted an AU peacekeeping role because African States possess a heritage similar to that of the people of Darfur.

B. North-South and the Comprehensive Peace Agreement

23. The mission was encouraged by the number of steps taken in implementation of the Comprehensive Peace Agreement. The parties had begun setting up structures designed to build trust and confidence, and remaining problems were being openly discussed. President Al-Bashir and First Vice-President Kiir, as well as other National Congress Party (NCP) and SPLM officials in Khartoum and Juba, lauded the establishment of the Government of National Unity and the formation of the Government of Southern Sudan. SPLM spoke of a welcome atmosphere of change in Khartoum, where the challenges facing the Sudan were being discussed and debated in a way that had not been seen before. The Government of Southern Sudan National Assembly in Juba informed the mission of its interim constitution and the freedom of expression it was nurturing in southern Sudan.

24. However, both parties also voiced concern over the number of pressing challenges jeopardizing full implementation of the Comprehensive Peace Agreement. These included the redeployment of both parties' forces, the insecurity in southern areas, the future status of the Abyei region and the lack of a peace dividend resulting from international donors' failure to live up to pledges made during the 2005 Oslo conference. First Vice-President Kiir said the population's expectations were extremely high. He feared that if his Government proved unable to deliver swift improvement in the population's daily lives, the Comprehensive Peace Agreement could be put at risk. If the Agreement was not implemented, then there would be no agreement, which would encourage war. NCP and SPLM each recognized that the formation of the Comprehensive Peace Agreement institutions and commissions had been delayed for a number of reasons in the early months of implementation, including the former rebel movement's problems of capacity and the death of First Vice-President John Garang in July 2005.

25. A particular problem existed with the Abyei Boundaries Commission, appointed in the Comprehensive Peace Agreement, to decide the future boundaries of the area. President Al-Bashir said that the Commission had failed to reach an agreement and that, as a result, he would never accept the subsequent decision of the Commission. Government of Southern Sudan officials complained that NCP was violating the Comprehensive Peace Agreement by refusing to respect the decision of the Commission. SPLM officials emphasized their fundamental conviction that a peaceful solution would be found to this issue through a series of options under discussion. However, First Vice-President Kiir added that, if a solution was not found, implementation of the entire Comprehensive Peace Agreement could eventually be jeopardized.

26. The Legislative Assembly in Juba raised the issue of power-sharing within the Government of National Unity in Khartoum. Members complained that SPLM representatives in Khartoum felt ignored within their ministries, that SPLM deputy ministers were bypassed and that parallel institutions answering directly to the President had been created in ministries where SPLM held the post of minister. The Assembly also expressed concern that NCP had made little attempt to disseminate the Comprehensive Peace Agreement to the population, and had failed to develop an ethnically diverse information policy reflecting the national character of the state.

27. On the redeployment of the Sudanese Armed Forces and SPLA forces, President Al-Bashir faulted SPLA for delaying its troop withdrawals from northern and eastern areas. Since January 2006, SPLM has been in violation of the Comprehensive Peace Agreement by maintaining forces in eastern Sudan. However, a timetable had now been put in place to complete that withdrawal in a matter of weeks. President Al-Bashir and representatives of the Sudanese Armed Forces on the Ceasefire Joint Military Committee stated that, by contrast, the Sudanese Armed Forces redeployment out of southern Sudan was ahead of schedule. While there had been considerable withdrawals of Sudanese Armed Forces personnel and equipment in recent weeks, SPLM disputed the total percentage because UNMIS, owing to its own delayed deployment, did not keep records in the early months of implementation. Despite those differences, the parties appeared to be working well together towards resolving the redeployment issue, as the mission was able to witness during a Ceasefire Joint Military Committee meeting in Juba.

28. The Government of Southern Sudan and international members of the humanitarian community expressed concern at the growing insecurity in some areas of southern Sudan, especially Upper Nile and Jonglei, owing to the activities of militias who had not yet integrated into the Sudanese Armed Forces or SPLA. The existence of independent militias since March 2006 is a violation of the Comprehensive Peace Agreement. While some measures had been agreed at a recent high-level meeting between the parties, SPLM remained concerned at the groups' potential to destabilize the region. President Al-Bashir said that he recognized the concerns of the SPLM, but added that the militias could not be integrated into the Sudanese Armed Forces since they would subsequently have to redeploy out of southern Sudan. He called for SPLM to reconcile with the militias, and said the parties would work together to find appropriate solutions. First Vice-President Kiir suggested that UNMIS might need to assist with their disarmament at a later stage.

29. The United Nations country team and NGOs informed the mission that a number of humanitarian activities had had to be curtailed due to growing militia activity. They feared a vacuum of authority and of the rule of law at a time when there were many post-war grievances to be settled between neighbours. They urged that UNMIS should be sufficiently resourced to deal with the fragile situation, including with a functioning intelligence capacity. UNMIS also needed to carry out more patrols, including more proactive monitoring of areas of instability, actively disseminate and explain the Comprehensive Peace Agreement to a largely ignorant population and apply more pressure on both parties to live up to their signed agreements, including by ensuring the entire United Nations family full freedom of movement. The humanitarian community strongly urged the Council not to consider cannibalizing UNMIS for any future operation in Darfur. First Vice-President Kiir also said UNMIS would need to play a critical role monitoring the referendum at the end of the interim period.

C. Lord's Resistance Army

30. First Vice-President Kiir and SPLM both expressed their desire to see LRA expelled from southern Sudan. LRA had terrorized local populations in Equatoria for a number of years. Little accurate factual information was actually known about the group, including its size and source of supplies. The mission was also curious as to how, given LRA's limited size and resources in comparison to those of the Ugandan People's Defence Force and Sudanese forces, it was able to create so many problems. SPLM said that LRA was larger than many of the traditional estimates given.

31. First Vice-President Kiir said that he believed political mediation was necessary to remove the LRA threat. Further to recent meetings held between its leader Joseph Kony and Government of Southern Sudan Vice-President Riek Machar, First Vice-President Kiir said that LRA had stated its commitment to peace. Therefore, despite the ICC indictments against Kony and his top commanders, it was incumbent on his Government to work for peace. To that effect, Government officials outlined a recently launched peace initiative, which, it hoped, would lead to the definitive and peaceful departure of LRA from southern Sudanese soil. The mission expressed its strong apprehension that Government officials were mediating with people indicted by the ICC, and urged caution in their dealings with the group. First Vice-President Kiir compared his Government's approach to Nigeria's offer of

exile to former Liberian President Charles Taylor, which had enabled an early and peaceful end to his presidency.

D. Darfur Peace Agreement

32. The mission congratulated the Sudan's Government of National Unity on its courage in signing the Darfur Peace Agreement, as well as the AU on its role in securing the deal. AU Chairperson Konaré said the United States of America, the United Nations and the European Union deserved equal praise for the deal.

33. The mission highlighted a number of critical areas that required the immediate attention of the Government of the Sudan, the African Union and the United Nations. Specifically, there was an urgent need:

1. To persuade non-signatories to sign

34. AU Commissioner Djinnit told the mission that support was building for the Agreement. Some SLM and JEM commanders had recently approached the Commission to associate themselves with it. Abdul Wahid had also written to say that he would do whatever he could to maintain peace. President Déby agreed that non-signatories needed to be brought on board. Without them, the Darfur Peace Agreement was under threat. South Africa, in its capacity as President of the Peace and Security Council, said the Peace and Security Council would encourage those who had not signed to do so. SPLM urged the Council not to give up on the non-signatories; it was attempting to meet with Abdul Wahid. The Wali of Northern Darfur also considered that the Darfur Peace Agreement would remain flawed as long as some groups remained outside of it. The view of Special Representative Pronk was that Abdul Wahid's support was crucial as between 70 and 80 per cent of IDPs in the camps supported him. Taking their steer from Abdul Wahid, many IDPs did not believe disarmament of the Janjaweed would happen. Due to their lack of faith in the Agreement, they are afraid to leave the camps and return home.

35. The Government of the Sudan also hoped the non-signatories would come on board. But it also considered that implementation should not be delayed further while the international community waited for them. Foreign Minister Akol said that the AU had already been more than generous in the extension of its deadline to 31 May 2006. The international community had to avoid giving the message that those who did not sign were more important than those who did. President Al-Bashir emphasized that the Darfur Peace Agreement non-signatories represented a threat to the peace process. They were busy building opposition to it. He called for them, and their backers, to face sanctions.

2. For those who had signed the Darfur Peace Agreement to implement it immediately

36. The mission emphasized that disarmament of the Janjaweed militias and other illegal armed groups was central to improving security. It urged the Government of the Sudan to move swiftly to put in place a plan of action. AU Chairperson Konaré said the real victory would not be signature of the DPA, but its implementation. The signatories needed to follow up their commitments. The primary responsibility, Konaré considered, lay with the Government of the Sudan. It had a commitment to

disarm the Janjaweed. If they were disarmed, the other militia groups would follow suit.

3. To disseminate and explain the Darfur Peace Agreement to a population who had yet to grasp its contents

37. The IDPs whom the Council met in El Fasher and Chad made clear their strong opposition to the Darfur Peace Agreement, as well as their demands for greater compensation. The mission emphasized that it supported the Agreement, which highlighted the protection of civilians and the disarmament of the Janjaweed militias. It was clear that the refugees were not essentially aware of the contents of the Agreement and had been influenced against the Darfur Peace Agreement by emissaries of the rebel movements who had not yet signed the accord. The mission stressed to UNMIS and AMIS the importance of explaining the benefits of the Agreement, in particular inside the camps. AMIS said it was distributing the Darfur Peace Agreement in all languages in IDP camps. UNMIS also confirmed that it was campaigning to promote the Darfur Peace Agreement.

4. To move forward urgently with the envisaged Darfur-Darfur dialogue

38. The Council stressed to interlocutors that it considered that this would help build support for the Darfur Peace Agreement and give all Darfuris a stake in its implementation.

E. Strengthening AMIS

39. The mission saluted the work of the AU peacekeeping operation in Darfur — AMIS — which it said was doing a good job in exceptionally difficult circumstances. However, it noted that AMIS had been overstretched even before the Darfur Peace Agreement was signed. With the extra requirements the DPA placed on it, AMIS was now stretched even further. The mission considered that AMIS urgently needed strengthening in the areas of command and control, logistics and manpower by between five and eight battalions. The mandate of AMIS also needed strengthening to include, among other things, the protection of civilians.

40. The Force Commander agreed that AMIS lacked the necessary manpower to undertake all the demands placed on it, such as making patrols 24 hours a day, seven days a week. He considered that its current force strength (6,000 troops) to be inadequate and had requested additional troops. He also said AMIS needed early warning systems and aircraft. If it got these, it would get the job done. Without such strengthening, the Sudan could turn into another Rwanda.

41. President Konaré told the mission that he had recently written to NATO to request further logistical support. But he did not want NATO boots on the ground. Doing so would bring the problems of the Middle East to Africa. Commissioner Djinnit said a new concept of operations was being drawn up to enable AMIS to fulfil its tasks under the Darfur Peace Agreement, which would increase the size of AMIS to 10,500 troops, with police numbers up from 1,500 to 2,200. The AU was approaching potential troop-contributing countries. In the meantime, Commissioner Djinnit had instructed AMIS to interpret its current mandate more robustly.

F. Transition to a United Nations force in Darfur

42. The Mission sought to persuade the Government of the Sudan of the benefits of a United Nations operation. It stressed that, with the Darfur Peace Agreement and the Comprehensive Peace Agreement, the Sudan had turned a new page in its history. It hoped that the Sudan could also build a new relationship with the international community and the United Nations. The approach of the Council to the Sudan was the same as its approach to any sovereign State coming out of conflict: partnership. The Council wanted a stable and prosperous Sudan. UNMIS was helping to achieve that in the south. A range of United Nations humanitarian agencies were in Darfur. The United Nations wanted to cooperate with the Government of the Sudan on implementation of the Darfur Peace Agreement, in protecting civilians and in facilitating greater access for United Nations humanitarian organizations and NGOs in Darfur. AMIS should be strengthened in the short term. But in the medium term, the AU had recommended transfer to a United Nations force. The nature of the task of implementing the Darfur Peace Agreement, as well as protecting itself and the civilian population from spoilers, required a United Nations force with a robust mandate working in partnership with the Government of the Sudan. The technical assessment mission would arrive on 10 June 2006. The mission hoped that it would be able to secure agreement from the Government of the Sudan for such a robust mandate. The mission assured the Government of the Sudan that any United Nations force would have strong African participation and character. The United Nations was always the third partner in tackling African conflicts, complimenting the efforts of affected States and the AU. After leaving the Sudan, the Council was travelling to the Democratic Republic of the Congo: another African country where the United Nations was supporting a sovereign Government coming out of conflict. The mission hoped that the Government of the Sudan would agree that now is the time to pass the peacekeeping baton to the United Nations in the Sudan too. African members of the Council made clear that they supported a United Nations mission in Darfur because they felt it was necessary: they would never support an unnecessary intervention in another sovereign African State.

43. President Al-Bashir said that he appreciated the role of the international community in helping to secure the Darfur Peace Agreement, but he had been surprised by the Council's response to the Agreement: Security Council resolution 1679 (2006) under a Chapter VII mandate. He said that the technical assessment mission could look at the role the United Nations might play in Darfur, but that a United Nations force under Chapter VII was not acceptable (although other Government of the Sudan interlocutors also made clear that the Government of the Sudan had not given an outright "no" to the United Nations). The mission pointed out that Chapter VII was a technical, not a political, issue. If the mandate of the United Nations was to be consistent with what was outlined under the Darfur Peace Agreement, it would need to be robust enough to deal with spoilers and to protect civilians. Chapter VII would not be targeted at the Government of the Sudan, but it could be helpful in implementing the Darfur Peace Agreement, which the Government of the Sudan wanted. President Al-Bashir responded that the AU had had no right to propose passing its mandate to the United Nations. When the AU had realized that it could not continue in Darfur, it should have consulted the Government of the Sudan. The Government of the Sudan had supported the deployment of AMIS as an alternative to a more international force. AMIS troops

shared Sudanese culture. President Al-Bashir added that if greater security was needed in Darfur, the Government of the Sudan would relocate forces from the south. The Government of the Sudan would protect its own citizens. It was capable of carrying out disarmament of the militias. Unlike the Comprehensive Peace Agreement, the Darfur Peace Agreement included no provisions for a United Nations role.

44. The Wali of Northern Darfur and Darfur tribal leaders also expressed their opposition to a United Nations force under Chapter VII. They wanted United Nations assistance in reconstruction, peacebuilding, developing infrastructure, encouraging the voluntary return of IDPs, encouraging others to sign the Darfur Peace Agreement and supporting AMIS, but did not want a political or security role for the United Nations in Darfur. One tribal leader threatened a jihad were a United Nations force deployed; another said such a United Nations deployment would mean war. Their arguments against the United Nations included that it was a front for colonialism (they highlighted the recent histories of the Libyan Arab Jamahiriya, Chad and the Sudan) and/or a tool of the United States. In response, the African members of the Council made clear that there was no colonial agenda. The plight of Darfur merited the attention of the whole international community, not just of Africa.

45. SPLM was more open to a United Nations force. It said that suspicions about the United Nations were declining. A consensus was building around cooperation with the United Nations.

46. The AU confirmed its strong support for a transfer to a United Nations operation. Chairperson Konaré told the Council that the AU had neither the resources nor the capacity to mount a full peacekeeping operation. To seek to reassure the Government of the Sudan of the motives of the international community, Konaré would visit Khartoum before the AU summit. The AU Committee of five heads of State might also go, depending on the outcome of the technical assessment mission. South Africa expressed the support of the Peace and Security Council for transition. AMIS told the Council that the United Nations force would need a robust mandate to deal with many of the spoilers in Darfur.

47. President Déby, humanitarian organizations and IDPs also called for a United Nations force to be deployed. President Déby said the AU had shown itself to be incapable in Darfur. He said the international community had acted to prevent genocide in the Balkans. It should now do so in Darfur. Humanitarian interlocutors called for a United Nations operation to have a robust mandate so that it could deliver more effective protection to the citizens of Darfur. The IDPs whom the Council met also called for a United Nations force under a Chapter VII mandate to prevent the continuing genocide. AMIS, they said, had failed to protect them and had sold out on their cause. They also wanted ICC prosecutions pursued.

G. The regional context

48. The Council meetings in Khartoum and N'djamena illustrated the distrust between Chad and the Sudan. AU Chairperson Konaré said both parties were acting in an underhand manner. An AU commission of inquiry on the tensions between the two countries would report back to Addis Ababa in the coming weeks.

49. President Al-Bashir said that, while the Sudan had abided by the Tripoli Agreement, Chad had not. He hoped that the Council would send a clear message that no country should undermine implementation of the Darfur Peace Agreement. He accused the Chadian Government of channelling arms into Darfur in an attempt to further destabilize the region after the Darfur Peace Agreement had been signed. He reported that some 40 per cent of fighters in Darfur were Chadian bandits who received the active support of N'djamena. Rather than accept a United Nations military force in Darfur, President Al-Bashir called for the international community to carry out disarmament operations inside Chad, and to prevent the smuggling of weapons through the porous borders of the two countries. The border monitoring mechanism called for in the February 2006 Tripoli Agreement would be sufficient to defuse tensions between the two countries if N'djamena would respect the terms of the Agreement and assist in the activation of the mechanism.

50. Other Sudanese interlocutors agreed that the situation represented a significant threat to the stability of the region. SPLM stated that it was difficult to identify the nationality of many of the perpetrators of insecurity inside Darfur. It believed that the best way to counter the spillover threat was to ensure that the Darfur rebel non-signatories were brought into the Darfur Peace Agreement, so as to gradually isolate and reduce the sphere of influence of both the Sudanese and Chadian Janjaweed militia and bandits. The northern opposition leaders agreed that both presidents were fighting a proxy war across their common borders and called for a regional peace agreement between all the countries of the region, to deal with the Janjaweed issue and prevent the further destabilization of the region. All interlocutors saw a significant threat to the Darfur Peace Agreement if the problem was not addressed.

51. President Déby said that the Sudan was determined to destabilize Chad. All the mercenaries that had attacked N'djamena in April had come from outside Chad's borders. Chadians had been raped and killed by forces supported, or directed, by the Government of the Sudan. He also said that preparations for further aggression were under way. Chad had helped to find a solution to the crisis in Darfur, and it had supported the Darfur Peace Agreement and encouraged others to sign. Its reward had been raids by the Janjaweed and other terrorists trained by Usama bin Laden in the Sudan. President Déby denied that Chad was supporting rebels in Darfur. He said that the Tripoli Agreement had been violated eight times by the Government of the Sudan and suffered a lack of "sponsors". Chad had expressed its concerns to the AU, but the AU had done nothing. It had not even condemned the Sudan. Chad wanted the strongest possible condemnation from the international community and was about to lodge an official complaint. The United Nations should not turn a blind eye to what was happening. The situation was a powder keg, which if left unresolved, could threaten the entire sub-Saharan region, as well as the Great Lakes region.

52. The Council said that it had taken note of the alarm raised by President Déby. It made clear that it had condemned the rebels' attacks in April, and was committed to the territorial integrity of Chad. It acknowledged that instability in Chad would endanger the stability of the whole region. It called for dialogue between Chad and the Sudan.

H. Humanitarian issues

53. The United Nations country team in El Fasher and NGOs in both Khartoum and El Fasher spoke of the deteriorating security situation in Darfur, the massive problems concerning the protection of civilians, and the need to send a strong message to the Government concerning its responsibility to protect its citizens in the region and across the country. In El Fasher, the mission also heard powerful and disturbing testimony given by representatives of nearby IDP camps, who called for United Nations peacekeepers to be deployed to the region, for improved security in the camps, for the disarming of both Janjaweed and anti-government forces, and for the reconstruction of villages, homes, schools and hospitals so that they could start to return to their homes. According to the Wali, there continue to be 129,000 IDPs in the camps in Northern Darfur, with another 279,000 outside. The Wali indicated that some 1.31 million people had been adversely affected by the war in the region.

54. Despite the signing of the Darfur Peace Agreement, NGOs said that attacks against civilians continued, as did problems related to humanitarian access, intimidation, harassment and human rights abuses carried out by the law enforcement agencies. The lack of security outside the camps had prevented any significant IDP returns from taking place, as well as prerequisite village reconstruction activities. At the same time, there was growing instability inside the camps where IDPs are forced to live in appalling conditions of intimidation and harassment, as well as increasing violent disputes between groups over support for the Darfur Peace Agreement. Humanitarian workers in the region said the situation would be unsustainable should the Darfur Peace Agreement not be effectively implemented as a priority. AMIS concurred that the increased violence in the camps, which it did not have the capacity to mitigate, seriously threatened the well-being of their inhabitants.

55. Across the border in Goz Beida (Eastern Chad), humanitarian organizations were just as downbeat, expressing considerable concern at the deteriorating security situation in the border regions, particularly the frequent rebel movement through, and recruitment within, the camps, as well as the Janjaweed attacks against villages. They stressed that, unless better protection was provided, the humanitarian character of their operations would be seriously compromised. They were also concerned at the negative impact of the refugees on the local environment, in particular the use of scarce local resources. The continuing crisis was receiving inadequate funding, and humanitarian interlocutors feared that financial resources would not be sufficient to maintain the necessary support to the large numbers of refugees and IDPs.

56. According to President Déby, 700,000 Chadians had been displaced due to the raids being undertaken daily from Darfur (although the United Nations estimate is much lower). He added that there are a further 300,000 external refugees in Chad, including 200,000 from Darfur and 40,000 from the Central African Republic, which have placed a heavy political, economic and security burden on the country. President Déby said Chad could not resist the Sudanese aggression and protect the IDPs with only 30,000 soldiers. He made a formal appeal to the Council for the United Nations to provide security for the camps against incursions by the Janjaweed and security for humanitarian workers. The mission said it would consider the request. It also made clear that it was grateful for the actions Chad had taken to protect IDPs and for the access it allowed United Nations agencies.

57. The United Nations agencies and NGOs with which the mission spoke noted that while the Chadian Government was attempting to improve its levels of protection in the camps, the necessary resources were not available.

58. Non-governmental organizations briefed the mission on the restrictive legislation and proceedings put in place by the Sudanese authorities, including the new NGO law, which was adversely affecting humanitarian activities. The mission expressed its strong wish to all Sudanese interlocutors that the obstacles to the vital work of the humanitarian community — NGOs and United Nations agencies — be lifted.

I. Gender-based violence

59. The mission received a briefing on gender-based violence from the United Nations country team and NGOs in El Fasher. Rape, abuse and assault continue on a daily basis. Humanitarian partners reported that between 60 per cent and 70 per cent of women who left the camps to collect firewood had experienced gender-based violence. Some progress has been made in creating mechanisms to deal with the situation, and the Government of the Sudan has rescinded the requirement for rape victims to fill out Form 8 prior to receiving medical attention. But NGOs said that a climate of fear continued to prevent rape victims from coming forward and, as a result, there had been few gender-based violence convictions to date. Women IDPs whom the Council met called for greater protection against gender-based violence and forced marriage. They said girls as young as 10 years old were becoming pregnant as the result of rape. The mission strongly stressed to tribal leaders and to the Wali that it wanted to see better protection of women in Darfur, in line with Security Council resolution 1325 (2000).

J. Africa and the United Nations

60. The mission discussed wider African issues and relations between the United Nations and the AU with the AU Commission. Chairperson Konaré called for a number of measures to allow for the realization of the Millennium Development Goals, including debt cancellation; 0.7 per cent of gross domestic product devoted to development aid; and a search for new sources of development, including through private investment. The mission recognized the Chairperson's concerns and emphasized the need to create conditions in which investment could flourish in Africa, as well as to create a donor-recipient monitoring mechanism able to track the levels of achievement with regard to the Millennium Development Goals. It agreed that the two organizations should collaborate more closely in the fields of conflict prevention and post-conflict recovery, and noted the importance of the United Nations Peacebuilding Commission as the new tool to prevent countries from slipping back into cycles of conflict.

61. On AU interaction with the United Nations, the AU Commission and the Peace and Security Council both called for a deepening of their relationship, especially in the areas of conflict prevention and post-conflict peacebuilding. The Commission added that cooperation under Chapter VIII of the Charter should be strengthened, in particular with regard to making available United Nations resources to regional organizations undertaking peacekeeping operations.

62. The African Union Commission also raised the Democratic Republic of the Congo. The Commission informed that it would be dispatching a significant number of observers and a small standby African force for the forthcoming elections. Chairperson Konaré and Commissioner Djinnit expressed concern at the inappropriate outbursts during the ongoing electoral campaign. The mission noted the need for the elections to be conducted freely, fairly and according to the established schedule. Interlocutors all agreed that the next post-election period would be critical to establish an inclusive vision on such issues as security sector reform, the disarmament of remaining armed groups, good governance and the utilization of natural resources. The Commission expressed anxiety with regard to the current situation in Somalia, and called for more support to the transitional government. The Peace and Security Council requested the United Nations Security Council to reconsider the arms embargo against the country. The mission agreed to consider the request if the Intergovernmental Authority on Development agreed to mount a peacekeeping operation in Somalia.

IV. Observations and recommendations

63. The Council's conclusions following the mission to the Sudan, Chad and Addis Ababa are as follows:

(a) **The mission meetings in Khartoum have helped to improve trust between the Government of the Sudan and the United Nations;**

(b) **The Council continues to give its full support to the Comprehensive Peace Agreement and the Darfur Peace Agreement, and wishes to see both implemented fully as a matter of urgency;**

Darfur

(c) **The conflict in Darfur is particularly complex, and the United Nations needs a range of policies to tackle it;**

(d) **The most obvious and pressing challenge is security. Without improvements here there can be no improvements elsewhere, such as in the humanitarian situation. However, the United Nations should not focus on the security (or humanitarian) situation in isolation. An aggregate United Nations response is required, bringing together all the various strands of the United Nations family. Humanitarian, development, political and security issues are linked, and cannot be addressed independently;**

(e) **The Darfur Peace Agreement can provide a basis for sustained security in Darfur. Efforts should continue to get further support from non-signatories, in particular Abdul Wahid. However, implementation cannot be held up. The parties that have signed the Darfur Peace Agreement should take immediate steps to implement it. In particular, the Government of the Sudan should disarm the Janjaweed. The Council also calls for an improved public diplomacy effort by the United Nations, the African Union and the Governments of the Sudan and Chad in explaining the benefits of the Darfur Peace Agreement to the population in Darfur;**

(f) **The United Nations should work in partnership with the Government of the Sudan, and with its agreement, in deploying a United Nations force in**

Darfur. If the United Nations force is to make a qualitative difference and protect itself and citizens against attacks by spoilers, it will need to take over a strengthened AMIS mandate, in line with that provided for by the Darfur Peace Agreement. The Council should stay in regular dialogue with the Government of the Sudan;

(g) There will be a seven-stage process towards full United Nations operational capacity in Darfur:

(i) AMIS should interpret its current mandate as vigorously as possible;

(ii) A concept of operations should be drawn up enabling AMIS to implement the Darfur Peace Agreement.

(iii) Additional resources for AMIS should be secured;

(iv) The technical assessment mission should develop a concept of operations for a United Nations mission, on the assumption it would take over the strengthened AMIS mandate;

(v) The United Nations should complete the process of lining up troop-contributing countries, which should, as far as possible, be African;

(vi) Transition should take place in a way that maintains maximum security while AMIS is scaled down and United Nations forces are deployed;

(vii) The United Nations should assume full operating capacity, hopefully, in January 2007.

The Council discussed this approach with AU Commission Chairperson Konaré, who agreed.

(h) Given the time it would take for transition to a United Nations operation in Darfur, AMIS will need immediate strengthening and reinforcing. The mission calls on the international community, including international and regional organizations, to provide AMIS with every possible assistance. It considers the pledging conference planned for 7 July an important step in strengthening AMIS, although action sooner is also desirable where possible;

(i) Urgent action is needed by the Government of the Sudan, and other Sudanese parties, to tackle the serious problem of gender-based violence in Darfur;

Southern Sudan

(j) Faster implementation of the Comprehensive Peace Agreement is required. Without this, the Sudanese public may lose faith in the Agreement, as it does not perceive a peace dividend;

(k) Given the continuing security concerns in the south, the mission considers that UNMIS should not be impacted on as a result of the deployment of a United Nations force in Darfur;

(l) The problem of LRA requires firm attention. Steps should be taken to develop a decisive international response to remove that threat, should peace talks fail. We look forward to receiving the recommendations of the United

Nations Secretariat on tackling LRA. It is also important that the ICC indictments against LRA be acted on;

(m) International aid agencies and donors should live up to pledges made during the 2005 Oslo conference, and not allow the problems in Darfur to distract their attention from the continuing problems in southern Sudan;

Chad

(n) The Security Council intends to review the issue of the international protection of the refugee and IDP camps and requests the Secretary-General to provide to it recommendations in this regard;

(o) The Security Council recommends an increase in international humanitarian aid to the refugees and IDPs in Chadian camps;

(p) The Security Council encourages President Déby in line with his recent initiative, to strengthen his policy of conciliation by taking concrete measures;

Regional issues

(q) The future of Darfur is tied to that of the rest of the Sudan and the wider region. Failure to resolve the Darfur crisis would bring serious regional implications. There can be no lasting peace in Darfur without the successful implementation of the Comprehensive Peace Agreement, and no sustainable peace in southern Sudan without the successful implementation of the Darfur Peace Agreement;

(r) It is important that the Governments of the Sudan and Chad begin dialogue and implement the measures in the Tripoli Agreement.

Annex

Terms of reference

Security Council mission to the Sudan, Chad and the African Union Headquarters in Addis Ababa

General

- Demonstrate the Security Council's determination to work with the Government of the Sudan, the African Union and other parties to assist in tackling the various problems confronting the Sudan.
- Express the Security Council's utmost concern over the dire consequences of the prolonged conflict in Darfur for the civilian population, including the continuing humanitarian crisis, and the repercussions for the rest of the Sudan and the region; and reiterate in the strongest terms the need for all parties to the conflict to put an end to violence and atrocities.
- Reiterate the Security Council's commitment to the sovereignty, unity, independence and territorial integrity of the Sudan, which will be unaffected by the transition to a United Nations operation in Darfur.
- Raise global public awareness of the crisis in Darfur, as well as the efforts of the United Nations, and the Security Council, to tackle it.
- Reiterate the Security Council's welcome of the success of the African Union-led inter-Sudanese peace talks on the conflict in Darfur in Abuja, Nigeria, in particular the framework agreed between the parties for a resolution of the conflict in Darfur (the Darfur Peace Agreement).
- Stress the importance of full and rapid implementation of the Darfur Peace Agreement to restore a sustainable peace in Darfur.
- Call on the parties to the Darfur Peace Agreement to respect their commitments and implement the agreement without delay.
- Urge those parties that have not signed the Darfur Peace Agreement to do so without delay and not to act in any way that would impede implementation of the agreement.
- Expresses the Security Council's intention to take, including in response to a request by the African Union, strong and effective measures, such as an asset freeze or travel ban, against any individual or group that violates or attempts to block the implementation of the Darfur Peace Agreement or commits human rights violations.
- Stress the importance of launching the Darfur-Darfur dialogue as soon as possible with a wide range of stakeholders, in order to explain the Darfur Peace Agreement and enlist wider support for it.
- Call on all relevant parties to take all necessary measures to ensure the continued effectiveness of the African Union Mission in the Sudan (AMIS) so that AMIS can support implementation of the Darfur Peace Agreement.

- Reiterate support for a transition to a United Nations operation as soon as possible, in the interests of the safety and security of the people of Darfur.
- Express the Security Council's support for the decision of the African Union Peace and Security Commission on 15 May 2006 that concrete steps should be taken to effect the transition from AMIS to a United Nations operation.
- Call on the parties to the Darfur Peace Agreement to facilitate and work with the African Union, the United Nations, regional and international organizations and Member States to accelerate transition to a United Nations operation.
- Look actively at ways to immediately further enhance cooperation between the United Nations and the African Union, with a view to transition to a United Nations operation.
- Make clear the Security Council's view that a United Nations operation should have strong African participation and character.
- Reaffirm the Security Council's concern that the persisting violence in Darfur might further negatively affect the rest of the Sudan as well as the region, including the security of Chad and the Central African Republic.
- Call on all States in the region to cooperate in ensuring regional stability.
- Stress that the Secretary-General should consult jointly with the African Union, in close and continuing consultation with the Security Council, and in cooperation and close consultation with the parties to the Abuja peace talks, including the Government of National Unity, on decisions concerning the transition to a United Nations operation.

Sudan: Darfur issues

- Make clear to the Government of the Sudan the benefits of a United Nations mission in Darfur.
- Evaluate the additional support required for AMIS to be able to protect civilians and meet its mission objectives.
- Assess the further additional strengthening AMIS requires to implement the Darfur Peace Agreement.
- Call on all parties to respect the neutrality, impartiality and independence of humanitarian assistance, and insist on compliance with international humanitarian law and other relevant international obligations.
- Press all parties, in particular the Government of the Sudan, to ensure full and unimpeded access to non-governmental organizations and humanitarian and relief organizations.
- Assess the looming food crisis in the Sudan and the need for donors to quickly commit new funds to ensure that there is no break in food supply from the World Food Programme.
- Exchange views with non-governmental organizations on how to improve the humanitarian situation.
- Evaluate the extent of gender violence in Darfur, propose recommendations for urgently addressing it and evaluate the progress of the Government of National

Unity towards implementing its Action Plan to Combat Violence against Women in Darfur, with particular focus on the rescission of Form 8 and access to legal redress.

- Reiterate the need for an end to forced depopulation and underline concern at the increasing number of internally displaced persons.
- Support the efforts of humanitarian and relief agencies in Darfur.
- Evaluate the enforcement and impact of existing Security Council provisions, including targeted sanctions and the arms embargo on Darfur.
- Press for the Government of the Sudan and all other parties to the conflict in Darfur, in accordance with their obligations under resolution 1593 (2005), to cooperate fully with the International Criminal Court.

Sudan: North-South and southern Sudan issues

- Review progress in the implementation of the Comprehensive Peace Agreement and the creation of the institutions of Southern Sudan, emphasizing the importance that all parties honour the agreements.
- Assess the performance and operational capacity of UNMIS.
- Assess in accordance with resolution 1663 (2006) how UNMIS could more effectively address the problem of the Lord's Resistance Army (LRA), which continues to cause the death, abduction and displacement of many innocent civilians in the Sudan and elsewhere.
- Reaffirm the Security Council's concern about LRA and press for urgent action by the Sudanese authorities to arrest those subject to arrest warrants issued by the International Criminal Court.

African Union (Addis Ababa)

- Exchange of views on how best to launch the Darfur-Darfur dialogue.
- Commend the efforts of the African Union to achieve lasting peace in Darfur, including what AMIS has successfully achieved as well as the efforts of Member States and organizations that have assisted AMIS.
- Reiterate the Security Council's endorsement of the decision of the African Union Peace and Security Council of 10 March to support in principle the transition of AMIS to a United Nations operation.
- Call on the African Union to agree with the United Nations, regional and international organizations, and Member States on requirements now necessary, in addition to those identified by the Joint Assessment Mission of December 2005, to strengthen the capacity of AMIS to enforce the security arrangements of the Darfur Peace Agreement, with a view to a follow-on United Nations operation in Darfur.
- Welcome, and stress the importance of, the increasing cooperation between the United Nations and the African Union to facilitate transition from AMIS to a United Nations operation.

- Press for, and assess progress towards, the early convening of a pledging conference, making clear that additional funds for AMIS will depend on the development of a realistic plan to reinforce AMIS.
- Exchange views on the threat from the Lords Resistance Army and ongoing efforts to resolve this problem.
- Exchange views on African Union efforts to address the crisis in Chad and to restore peace and stability in the region.
- Develop closer relations between the United Nations and the African Union.
- Exchange views on enhancing the ability of AMIS to protect civilians, including through the conduct of patrols 24 hours a day, 7 days a week, outside of camps of internally displaced persons.

Sudan-Chad relations

- Encourage the reduction of tensions between Chad and the Sudan.
- Stress the importance of maintaining the security and neutrality of the internally displaced person/refugee camps in the Sudan and Chad.
- Express concern over, and explore a resolution to, the conflict between Chad and the Sudan, making clear that both Chad and the Sudan must refrain from any actions in violation of the integrity of their common border, and ensure that their territory is not used to destabilize the territory of others.
- Call on Chad and the Sudan to abide by their obligations under the Tripoli Declaration and Agreement of 8 February 2006, and to implement agreed confidence-building measures.
- Evaluate the implications of the conflict in Darfur on Chad, and the ways to address the problems arising, including the refugee camps, recruitment of child soldiers, border security and wider regional stability.
- Assess the impact of the closure of the border between Chad and the Sudan on the operation of United Nations humanitarian agencies and non-governmental organizations.

Chad

- Evaluate the situation of the refugees from the Sudan and from the Central African Republic, as well as of the internally displaced persons in Chad.
- Make clear that any attempt to seize power by force would be regarded by the Security Council as unacceptable, and call on all parties in Chad to renounce violence.
- Evaluate the impact of the rebel attacks perpetrated recently against N'Djamena and Adré.
- Call for open and sustained political dialogue with those parties in Chad that are willing to renounce violence.
- Support the efforts of humanitarian and relief agencies in Chad, in accordance with international humanitarian law.

Composition

Ambassador Emyr Jones Parry (United Kingdom of Great Britain and Northern Ireland), head of mission

Ambassador César Mayoral (Argentina)

Ambassador Wang Guangya (China)

Ambassador Basile Ikouebe (Congo)

Ambassador Lars Faaborg-Andersen (Denmark)

Ambassador Jean-Marc de La Sablière (France)

Ambassador Nana Effah-Apenteng (Ghana)

Ambassador Adamantios Th. Vassilakis (Greece)

Ambassador Shinichi Kitaoka (Japan)

Ambassador Oswaldo de Rivero (Peru)

Minister Jamal Nasser Al-Bader (Qatar)

Minister Konstantin Dolgov (Russian Federation)

Ambassador Peter Burian (Slovakia)

Ambassador Augustine P. Mahiga (United Republic of Tanzania)

Ambassador Jackie Wolcott Sanders (United States of America)